

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BASIL MARCEAUX, SR.,

Plaintiff,

v.

CITY OF CLEVELAND, TN,

Defendant.

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Case No. 1:13-cv-364

Judge Mattice
Magistrate Judge Lee

ORDER

On March 5, 2014, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 13) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that Plaintiff's Motion for leave to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(e)(2) because the "complaint is frivolous and nonsensical." (Doc. 13 at 2), and further recommended that this action be dismissed.

Plaintiff has filed a response – albeit untimely – to Magistrate Judge Lee's Report and Recommendation. (Doc. 4). In his three-page response, which is mostly incomprehensible, Plaintiff appears to argue that the case cannot be dismissed as frivolous because it is a criminal, rather than a civil, complaint and that this Court is required to act as an additional level of appellate review from the Tennessee Supreme Court before an appeal can be had to the United States Supreme Court. Plaintiff's positions are legally and factually erroneous and warrant no further discussion by the Court.

The Court agrees with Magistrate Judge Lee's well-reasoned Report and Recommendation and finds Plaintiff's Complaint to be frivolous. Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Objections (Doc. 4) are **OVERRULED**;
- Plaintiff's Motion for leave to proceed *in forma pauperis* (Doc. 1) is **DENIED**.

SO ORDERED this 3rd day of April, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE